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# ISD-CBO Update

July 25, 2001

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**Following the monthly national meeting held between Community Based Organizations (CBOs) and the Immigration Services Division (ISD) in Washington, D.C., ISD will present additional information to provide context and clarification of the issues raised at the meeting and a summary of questions and answers (Q&As). The ISD has not taken the Q&As verbatim from the meeting, but provides them as representative of the questions asked.**

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## LIFE Act

Applications filed under the LIFE Legalization program should be mailed to the Department of Treasury lock box in Chicago, Illinois. Click [here](#) for the address.

Since the last meeting, the Office of Management and Budget has cleared the interim rules for the K and V nonimmigrant classifications. Applications for individuals seeking K and V nonimmigrant status that had been sent to the lockbox were held until INS published its [interim rules](#) on K-3 and K-4 visa petitions and [V petitions](#). (For more information, please see INS' [press releases on K-3 and K-4 nonimmigrant classification](#) and [V nonimmigrant classification](#). The INS is now accepting applications for K-3, K-4, and V nonimmigrant status at the lockbox addresses.

Applicants and petitioners have mailed many different types of applications to the lockbox, delaying their processing. The INS is returning applications (other than those for K and V status; Late Legalization and associated applications including requests for employment authorization and advance parole) to the sender who must resubmit the application to the correct address.

**Advance Parole for Legalization Applicants.** Delays in fee receipting experienced in the four services centers are a direct result of the dramatic increase in filings received prior to the sunset of the LIFE Act 245(i) provisions in April. Also, due to the implementation of new processes, the INS is experiencing a slight delay in issuing advance parole for LIFE Legalization applicants.

Filing of a LIFE Legalization application does not automatically support the approval of advance parole. Only applicants who

- are identified through Service records systems, or
- can otherwise establish that they registered for class membership in one of the three applicable class action law suits

will be afforded advance parole and employment authorization under the LIFE Legalization program.

### Q&A

Q. *When will INS issue advance parole documents for LIFE Legalization applicants?*

R. INS will begin issuing advance parole documents in mid-September.

Q. *Is the INS holding Forms I-131, Application for a Travel Document, for LIFE Legalization applicants?*

R. There is no hold or other administratively imposed delays in the processing of Forms I-131 at the four service centers.

*For more information on this topic, please see the [LIFE Act page](#) on the INS web.*

### Business Plan Update

During April, ISD contracted with Booz-Allen Hamilton (BAH) to develop a business and implementation plan that serves as a cohesive framework to assist Immigration Services by:

- Identifying issues that impede service delivery;
- Developing a vision of Immigration Services that meets customer, stakeholder, employee, and management needs;
- Establishing operational performance goals;
- Outlining high level strategies to meet these goals; and
- Proposing a management implementation strategy to ensure the comprehensive and cohesive implementation of the plan.

The framework focuses on four areas: Customers and Stakeholders; People (Employees); Management Infrastructure; and Technology and Processing. Within each of these areas are goals (e.g., serve our customers proactively and equitably to create understanding and appropriate action) and strategies (e.g., provide benefits quickly and accurately to those who are entitled to them). Under the strategies fall more than 40 initiatives that support the Immigration Services program's efforts in achieving its mission.

**In developing the business plan, ISD and BAH conducted more than 100 interviews, 10 site visits, and held several 4-day sessions with field representatives.**

Booz-Allen Hamilton provided the final plan to ISD on August 21. The ISD continues to work with the contractor in developing a strategic information technology plan that supports the goals, strategies, and initiatives outlined in the business and implementation plan.

### Q&A

Q. *Can I get a copy of the document?*

A. ISD will post the Executive Summary on the web in the fall.

Q. *Is it too late to make comments?*

A. The business plan is a "living" document. We welcome comments

and will consider them in our planning and implementation process. Please provide comments through your Community Based Organization.

## ◆————◆ Work Authorization for Asylees

The CBOs raised the issue that various entities (including government agencies) do not realize that asylees are authorized to work without an Employment Authorization Document (EAD). The INS offered clarification on this issue in the following Q&As.

### Q&A

Q. *Can INS provide written guidance that individuals granted asylee status do not require an Employment Authorization Document before they begin working?*

Also, INS has established a working group to revise and clarify the regulations on employment authorization requirements regarding asylees' evidence of employment authorization.

A. INS has revised the final asylum grant letter that it presents to all approved applicants to clarify that asylees are employment authorized.

*For general information, please see the [Asylum page](#) on the INS web.*

## ◆————◆ Work Authorization for Refugees

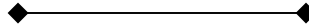
The CBOs asked for clarification on whether an EAD is required for refugees pursuing employment or whether Form I-94, Arrival-Departure Record, and a Social Security card will suffice. The Office of International Affairs, Refugee Branch, provided the following explanation of the requirements.

There is no rule requiring that a refugee present an EAD when pursuing employment. However, for anyone (e.g., U.S. citizen, asylee, refugee, Lawful Permanent Resident) to obtain a job, the individual must be able to present to his or her employer document(s) that will satisfy the Employment Eligibility Verification form (Form I-9) requirements. [8 CFR 274a.2(b)]. That is, the refugee--or anyone else seeking employment--must present either one document from List A of the I-9 (something that contains a picture and evidence of work authorization), or one document from List B (an identification document or ID) along with one document from List C (evidence of work authorization alone). It is

the employee's choice as to which document to present. An employer is prohibited from requesting a specific document. Provided the individual presents a proper document from the I-9 document lists and properly completes section 1 of the Form I-9, an employer cannot refuse to hire the person (unless the employer knows that the person is presenting false documents or is in fact unauthorized).

If a refugee wants to obtain an INS-issued document that satisfies both the ID and employment authorization requirements, he/she must apply for an EAD, as directed by the regulations. Note, however, that refugees are issued an I-94 indicating their refugee status. Under 274a.2(b)(1)(vi), they can use their I-94 (if the refugee admission stamp is unexpired) in lieu of an ID and employment authorization document listed on the I-9 for a temporary period (90 days). At the end of the 90 days, the individual must present to his or her employer either an unexpired EAD, or an unrestricted Social Security card and proper ID document (from List B of the I-9). Practically speaking, probably the only documents from the I-9 lists that a refugee could possibly have, are an unrestricted Social Security card, a drivers' license, and an EAD. While refugees wait to be issued one of these documents, they can use their I-94 for the first 90 days of their new job.

*For general information, please see the [Refugee page](#) on the INS web. For information on applying for employment authorization, see "[How Do I Get a Work Permit](#)".*



## A Guide to Naturalization

[A Guide to Naturalization](#) [LINK] provides information on the benefits and responsibilities of citizenship, an overview of the naturalization process, and eligibility requirements. This comprehensive *Guide* (rev. 12/00) is now available in several languages: English, Spanish, Chinese, Tagalog, and Vietnamese. All five language versions are available by calling the Forms Center at 1(800) 870-3676. As they become available electronically, versions may be downloaded from the INS web by clicking on [A Guide to Naturalization](#).

**Can you answer the questions on the interactive Naturalization self-test? Click [here](#) to find out.**

